

REMARKS

Applicants request favorable reconsideration of this application in view of the foregoing amendments and the following remarks. Claims 11-20 were pending in the application and were rejected in the Office Action. In this amendment, Applicants have amended claims 11 and 20. No new matter has been added.

I. Objections

A. Objection to the Drawings

The Examiner objected to the drawings for failure to show various elements recited in claims 11 and 20. The elements not shown in the drawings have been removed from claims 11 and 20 and, therefore, the objection is now moot and should be withdrawn.

B. Objection to Claim 20

The Examiner objected to claim 20. Claim 20 has been amended as suggested by the Examiner and, therefore, this objection should be withdrawn.

II. Rejections

A. Rejection of Claims 11-20 under 35 U.S.C. § 112, ¶ 2

The Examiner rejected claims 11-20 under 35 U.S.C. § 112, ¶ 2 “as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” Specifically, the Examiner rejected: (a) claims 11 and 20 for reciting “the drive chamber is adapted to be exposed from one side”; (b) claims 11 and 20 for reciting “ends” rather than “edges”; and (c) claim 20 for reciting “the drive” without providing proper antecedent basis. Each of these informalities has been resolved by way of the amendments made to claims 11 and 20. A withdrawal of the rejection of claims 11-20 under § 112, ¶ 2 is respectfully requested.

B. Rejection of Claims 11 and 14-20 under 35 U.S.C. § 103(a)

The Examiner rejected claims 11 and 14-20 as being obvious when considering U.S. Patent No. 5,553,803 (“Mitzkus”) in view of U.S. Patent No. 6,250,720 (“Wier”).

The rejection should be withdrawn for at least the following reasons (each of which will hereafter be discussed in detail): (a) one of ordinary skill in the art would not have been motivated to combine the references; and (b) even if Mitzkus and Wier were properly combined, the resultant combination would not teach or suggest each of the limitations of claims 11 or 20.

The Examiner admits: “Mitzkus et al does not disclose a coating material on the facing sides of the plates.” Further, the Examiner relies on Wier to provide this absent teaching. Weir addresses a tensioner for a safety belt engaging means 13 (“buckle”). Specifically, Weir discloses a seatbelt system that includes a buckle which is adjacent to a seat and attached to the body of an automobile. During sudden acceleration, the buckle is pulled toward to the attachment point on the car by means of a cable 11. Weir does not address a seatbelt retractor for winding a seatbelt. Weir has no structure corresponding to the drive band recited in claims 11 and 13.

The Examiner cites to column 6, lines 1-6 to support the contention that Weir cures the admitted deficiencies of Mitzkus. However, the cited section does not identify anything related to the structure disclosed in Mitzkus. The cited portion of Weir only addresses waxing the cable to enhance its sealing ability; the waxing is used to reduce the variation in the outer surface of the cable as the cable “does not have a smooth external surface.” *Id.* Thus, Weir teaches nothing about coating plates that contact edges of a flat belt. Weir’s disclosure is related to coating a cylindrical cable, and is not relevant to the structure disclosed in Mitzkus. Thus, one of ordinary skill in the art would not even have turned to Weir. For this reason alone, the rejection of claims 11 and 14-20 should be withdrawn.

Assuming, *arguendo*, that Mitzkus and Wier could be properly combined, the combination would not teach or suggest each of the limitations recited in claims 11 and 20. Specifically, if one were to take the teaching of Wier (*i.e.*, waxing a cable 11 located within a hollow cylinder 3) and apply it to the teachings of Mitzkus (*i.e.*, drive band between plates), the result would be to wax the belt rather than the plates. The Examiner states: “It would have been obvious to include the coating material on the plates forming the chamber to ensure adequate material to maintain the desired seal throughout the range of motion of the band.” However, the Examiner has pointed to no teaching in the prior art that suggests coating the plates. The only evidence produced by the Examiner relates to coating a cable and there is nothing in the record to suggest that coating the cable is a problem due to inadequate material to maintain the desired seal. Thus, even if one of ordinary skill in the art looked to Weir for a teaching, he would not modify Mitzkus to arrive at the claimed invention. Moreover, the only evidence in the record that suggests coating the plates is contained in the present application, and reliance on the application would constitute an impermissible hindsight reconstruction. *See* M.P.E.P. §§ 2141.01(III) and 2145(X)(A).

For at least the aforementioned reasons, the rejection of claims 11 and 20 under 35 U.S.C. § 103(a) was improper. Moreover, as claims 14-19 depend from claim 11 and,

therefore, recite all of the limitations of claim 11, each of these dependent claims is also allowable over the combination of Mitzkus and Wier, without regard to the other patentable limitations recited therein. Accordingly, the rejection of claims 11 and 14-20 under § 103(a) should be withdrawn.

C. Rejection of Claims 12 and 13 under 35 U.S.C. § 103(a)

The Examiner rejected claims 12 and 13 under 35 U.S.C. § 103(a) as being obvious when considering Mitzkus and Wier in view of U.S. Patent No. 2,889,163. For at least the following reasons, Applicants respectfully traverse this rejection.

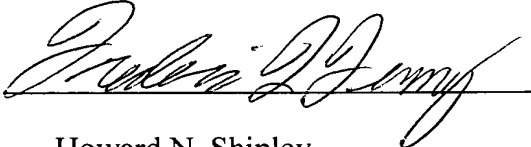
As previously mentioned, not only is combining Mitzkus and Wier improper, but the resultant combination would fail to teach or suggest each of the limitations of claim 11 because there would be no teaching or suggestion of coating the plates. Stephens fails to cure this deficiency. Accordingly, as the combination of Mitzkus, Wier, and Stephens fails to teach or suggest each limitation of claim 11, the combination can not be used to reject the claim, or any claim dependent thereon, under 35 U.S.C. § 103(a). Accordingly, as claims 12 and 13 depend from claim 11, each of these dependent claims is also allowable over the combination of Mitzkus, Wier, and Stephens, without regard to the other patentable limitations recited therein.

CONCLUSION

For the aforementioned reasons, claims 11-20 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

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